

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8232 OF 2006

Office Notes, Office
Memoranda of Coram,
appearance, Court's
orders or directions
and Registrar's orders

Court's or Judge's
orders

Mr. J.K. Jadhav for petitioners.
Mr. G.S. Bhat for respondent.

CORAM: B.H. MARLAPALLE, J.

26/04/2007.

P.C.:

. RAD Suit No. 563 of 1989 was dismissed by the learned Judge of the Small Causes Court at Mumbai by judgment and order dated 27/7/2004. Being aggrieved by the said dismissal order, the plaintiffs filed Appeal No. 229 of 2004 before the Division Bench of the same court. The said Appeal was dismissed by the lower Appellate Court vide its judgment and order dated 29/8/2006.

. The petitioners, therefore, have a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by

me in Writ Petition No. 4138 of 2006
vide the order dated 24/8/2006. When
such a statutory remedy is available,
a Writ Petition under Article 227 of
the Constitution need not be
entertained.

. Hence, the Writ Petition is
disposed as such with liberty to the
petitioners to file a Civil Revision
Application and if such an
application is filed within a period
of four weeks from today, the period
of pendency of this petition will be
taken into consideration for
condonation of delay, if any.
Annexures be returned, if applied
for.

(B.H. Marlapalle, J.)